

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

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|--------------------------------|---|--------------------------------------|
| ALONZO JOHNSON, | : | Case No. 1:19-cv-393 |
| | : | |
| Plaintiff, | : | Judge Timothy S. Black |
| | : | Magistrate Judge Stephanie K. Bowman |
| vs. | : | |
| | : | |
| STATE OF OHIO, <i>et al.</i> , | : | |
| | : | |
| Defendants. | : | |

**DECISION AND ENTRY
ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 8) AND
TERMINATING THIS CASE IN THIS COURT**

This case is before the Court pursuant to the Order of General Reference to United States Magistrate Judge Stephanie K. Bowman. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and, on January 16, 2020, submitted a Report and Recommendation. (Doc. 8). No objections were filed.¹

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does

¹ The Court notes that the Report and Recommendation was returned as undeliverable. (Doc. 9). Yet a pro se litigant has an affirmative duty to diligently pursue this prosecution of his action, *see Jourdan v. Jabe*, 951 F.2d 108, 109 (6th Cir. 1991), as well as a duty to supply the court with notice of any and all changes in his address. *See Barber v. Runyon*, No. 93-6318, 1994 WL 163765, at *1 (6th Cir. May 2, 1994) (citing *Pena v. Seguros La Comercial, S.A.*, 770 F.2d 811, 815 (9th Cir. 1985)). Therefore, even if the Plaintiff has not received the Report and Recommendation, it is due to his failure to supply the Court with an updated address.

determine that the Report and Recommendation should be and is hereby **ADOPTED** in its entirety.

Accordingly, for the reasons stated above:

- 1) This case is **DISMISSED** for Plaintiff's failure to pay the full filing fee as ordered by the Court.
- 2) Plaintiff is assessed the full filing fee of \$400.00.
- 3) The Clerk shall mail a copy of this Order adopting the Report and Recommendation, along with the attached instructions, to the Cashier of the Chillicothe Correctional Institution, in Chillicothe, Ohio, and the Cashier shall be directed as follows:

The prisoner's Cashier shall deduct, and forward to the Clerk of Court, 20% of the preceding month's income credited to Plaintiff's account each time the amount in the account exceeds \$10.00 until the full fee has been paid.²

- 4) The Court certifies that pursuant to 28 U.S.C. § 1915(a)(3), an appeal of this Order would not be taken in good faith and therefore Plaintiff is denied leave to appeal *in forma pauperis*.
- 5) The Clerk shall enter judgment accordingly, whereupon this case is **TERMINATED** from the docket of this Court.

IT IS SO ORDERED.

Date: 7/9/2020

s/Timothy S. Black
Timothy S. Black
United States District Judge

² The prison cashier's office shall not send payments aggregating more than the amount of the full fee.